

BEST AVAILABLE COPY

Docket No. 40502

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DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF MANUFACTURING A MEDICATED POROUS METAL PROSTHESIS, the specification of which (check one)

XX is attached hereto
_____ was filed on _____
Application Serial No. _____
and was amended on (or amended through _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

NONE

Number

Country

Day/Month/Year filed

Yes

No

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I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

Appln. Serial No.

Filing Date

Status

(patented, pending
abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

CRAIG B. BAILEY, Registration No. 28,760, RICHARD A. BARDIN, Registration No. 20,365, GILBERT G. KOVELMAN, Registration No. 19,552, and JOHN S. NAGY, Registration No. 30,664. Direct all telephone calls to John S. Nagy, at telephone No. (310) 824-5555.

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Page 3 of 3

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP
10877 Wilshire Boulevard
Tenth Floor
Los Angeles, California 90024

Full name of inventor: JOHN Y. YAN

Inventor's signature: _____

John Y Yan

Date: April 2, 1997

Residence: Los Gatos, California

Citizenship: United States of America

Post Office Address: 128 Ann Way
Los Gatos, California 95032

Divisional Application
Docket No. 50623.360
Copy from USSN 10/235,033



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 23, 1997

PTAS
FULWIDER PATTON LEE & UTECHT, LLP
JOHN S. NAGY
10877 WILSHIRE BLVD., 10TH FL, CNTR W-B
LOS ANGELES, CALIFORNIA 90024



100418707A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

RECEIVED
JUL 3 1997
FULWIDER PATTON LEE & UTECHT
LOS ANGELES

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/15/1997

REEL/FRAME: 8501/0772
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

YAN, JOHN Y.

DOC DATE: 04/02/1997

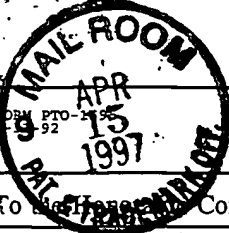
ASSIGNEE:

ADVANCED CRDIOVASCULAR SYSTEMS
3200 LAKESIDE DRIVE
SANTA CLARA, CALIFORNIA 95052

SERIAL NUMBER: 08837993
PATENT NUMBER:

FILING DATE:
ISSUE DATE:

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



416-501
5-16-1997



100418707

VER SHEET
Y

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

416

71470 U.S. PTO
08837993



To the Commissioner of Patents and Trademarks. Please record the attached original documents or copy them.

1. Name of conveying party(ies):
JOHN Y. YAN

Additional name(s) of conveying party(ies) attached? NO

2. Name and address of receiving party(ies):
Name: Advanced Cardiovascular Systems,

3. Nature of Conveyance:
☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: April 2, 1997

Internal Address: _____

Street Address: 3200 Lakeside Drive

City Santa Clara State CA ZIP 95052
Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: April 2, 1997

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John S. Nagy, Esq.

Fulwider Patton Lee & Utecht, LLP

Internal Address:

Center West Building, Tenth Floor

Street Address:

10877 Wilshire Blvd., 10th Floor

City Los Angeles State Calif. ZIP 90024

6. Total number of applications and patents involved: One (1)

7. Total fee (37 CFR 3.41):...\$ 40.00
☒ Enclosed
☒ Any deficiency/overpayment is authorized to be charged to deposit account

8. Deposit account number: 06-2425

\$40 E

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John S. Nagy

Name of Person Signing

John Nagy

Signature

05/15/97 088379934/15/97
40.00 CK Date

Total number of pages including cover sheet, attachments and document: 3

ASSIGNMENT

This Assignment made by John Y. Yan of Los Gatos, California, Assignor, to ADVANCED CARDIOVASCULAR SYSTEMS, INC., a California corporation, Assignee, having a place of business at 3200 Lakeside Drive, Santa Clara, California 95052-8167.

WHEREAS, Assignor has invented a new and useful METHOD OF MANUFACTURING A MEDICATED POROUS METAL PROSTHESIS for which an application for United States Letters Patent has been executed by him this day; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such

applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date written hereinbelow.

Assignor:

Date: April 2, 1997

John Y. Yan
JOHN Y. YAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Y. Yan
Assignee: Advanced Cardiovascular Systems, Inc.
Title: METHOD OF MANUFACTURING A MEDICATED POROUS METAL PROSTHESIS
Serial No.: 09/797,313 Filed: March 1, 2001
Examiner: Marc Jimenez Group Art Unit: 3726
Docket No.: 50623.182
Former Docket No. 56631

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

Sir:

The above-identified assignee hereby revokes all powers of attorney previously given and appoints hereby the following attorney(s) and/or agent(s) to prosecute the above-identified application and to transact all business in the United States Patent and Trademark Office in connection therewith:

David B. Abel, Reg. No. 32,394; Daryl Josephson, 37,365; Nate Lane, Reg. No. 43,738; Marc A. Sockol, Reg. No. 40,823; Cameron Kerrigan, Reg. No. 44,826; Victoria Nicholson Reg. No. 47,823; Paul Meyer, Reg. No. 47,791; David Levine Reg. No. 48,821; Victor Repkin Reg. No. 45,039; Aaron Wininger, Reg. No. 45,229; Paul Durdik, Reg. No. 37,819; William Bachand, Reg. No. 34,980; David Rogers, Reg. No. 38,287; David Koo, Reg. No. 46,839; Michael Lechter, Reg. No. 27,350; Les Weinstein, Reg. No. 19,625; Lori Howland, Reg. No. 42,671; Tim Kitchen, Reg. No. 41,900; Thomas A. Hassing, Reg. No. 36,159; Philip Yip, Reg. No. 37,265.

Please address all correspondence and telephone calls regarding this application to:

Cameron Kerrigan
SQUIRE, SANDERS & DEMPSEY L.L.P.
One Maritime Plaza, Suite 300
San Francisco, California 94111-3492
Telephone: 415.954.0323

ASSIGNEE CERTIFICATION UNDER 37 CFR 3.73(b)

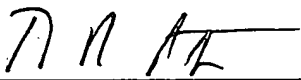
The undersigned representative of the above-identified assignee certifies that the above-identified assignee is the assignee of the entire right, title and interest in the above-identified patent application by virtue of a chain of title from the inventor of the above-identified patent application to the above-identified assignee as shown below:

1. From: John Y. Yan To: Advanced Cardiovascular Systems, Inc. A copy of the Notice of Recordation of Assignment Document and Assignment and Recordation Cover Sheet is enclosed herewith.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the above-identified assignee.

MAY 21 2002

Date

tw 

By: Thomas R. Peterson
Vice President and General Counsel